

## REMARKS/ARGUMENTS

### Claim Objections

Claims 1-25 were objected to for being directed to “a method and apparatus.” Claim 2-6, 8-15, and 18-25 has been canceled. Remaining claims 1, 7, 16, and 17 have been amended to direct to a method.

### 35 USC 102(b)

Claims 1-25 were rejected under 35 U.S.C. § 102(b) as being anticipated by Ye et al. (U.S. Patent Application Publication No. 20060146936 A1). The applicant respectfully disagrees for at least the reasons discussed below. The applicant also hereby makes amendment to the claims in view of the Examiner’s comments. Applicant respectfully submits that the amendments to the claims traverse this rejection.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (MPEP § 2131). As can be gleaned from the cited case law, the requirement is that each element must be either expressly or inherently described.

As for claim 1, in examining the portion of the cited reference that the examiner has referred the applicant to (paragraph [0029]), the applicant respectfully reminds the Office that separation of the signal into bands acts as a means for creating scalability for video texture signal, but not for MI information. MI information is regarded as side information in the encoding process, and is not embedded information that could be separated into the wavelet subband texture signal

Further, conventional scalability means scalability for video texture signal, including spatial scalability, temporal scalability and quality scalability. In the Ye reference, only scalabilities for video texture signal is mentioned.

As for claims 2-6, these claims have been canceled, making these rejections moot.

As for claim 7, although Ye discloses that MI encoder is to split all

motion vectors of all said partitions into a base layer and one or more enhancement layers (Ye: paragraphs[0040]-[0041]), each compressed MI generated for certain subband must be fully decoded, or the encoding/decoding fails.

In claim 7, the compressed MI can be partially decoded and encoding/decoding can succeed.

As for claims 8-15, these claims have been canceled, making these rejections moot.

As for claim 16, Ye discloses in paragraph[0025] and [0077]-[0079] that MPEG includes entropy coding and decoding and also mentions about base layer and enhancement layers. However, the MI decoder in Ye's coding scheme can only receive and decode complete compressed MI. If the MI is partitioned before decoding, the decoder fails.

In claim 16, the MI decoder can successfully decode partially or complete compress MI and form a motion vector.

In claim 17, Ye discloses that puller is to partition compressed video texture signal and to form a compressed bitstream (Ye: paragraphs[0032]-[0033] and [0068]-[0070]). However, Ye does not disclose that compressed MI can be partitioned and Ye's puller has no capability to partition compressed MI.

Besides, In Ye's coding scheme, if the puller partition both compressed MI and compressed video texture signal, the decoding fails.

In claim 17, the puller can partition the compressed MI and the compressed video texture signal and to form a compressed bitstream.

As for claims 18-25, these claims have been canceled, making these rejections moot.

### **Patent Examiners Should Interpret Claims in Light of Specification**

The court has recently indicated that the PTO should apply the principles of *Phillips v. AWH* during prosecution — rather than the PTO's current practice of giving claims their

“broadest reasonable interpretation.” *In re Johnston* (Fed. Cir. 2006). The Patent Office may use a dictionary in defining the patent applicant’s claim terms only when the patent specification did not otherwise provide any interpretation.

Based on the failure of Ye to disclose all of the elements of the claim 1, the applicant submits that all claims are in condition for allowance.

**Request For Allowance**

Claims 1, 7, 16, and 17 are pending in this application. In view of the foregoing, Applicant respectfully submits that the independent claims patentably define the present invention over the citations of record. Further, the dependent claims should also be allowable for the same reasons as their respective base claims and further due to the additional features that they recite. Separate and individual consideration of the dependent claims is respectfully requested. Favorable consideration is respectfully requested.

Respectfully submitted,  
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